

At page 17, line 18, replace "The addition" with --The additional--.

REMARKS:Rejections Under 35 USC § 102

Claim 1 was rejected under 35 USC 102 as anticipated by Kawagoe '526. The Examiner has asserted that this reference discloses a jack-up platform 10 comprising legs 12 raised and lowered by a jacking system, mooring lines 38 radially spaced in plan on extremities of the hull; anchors 39 that are radially spaced and attached to the mooring lines and a tensioning system 37 for providing tension in the mooring lines 38.

Applicant respectfully submits that none of the pending claims are anticipated under 35 USC 102 or obvious under 35 USC 103 in view of any of the cited art, or any combination of the prior art. A prior art reference must contain all the elements of the claimed invention to "anticipate" the claimed invention. Lewmar Marine Inc. v. Barient Inc., 3 U.S.P.Q. 2d 1766 (Fed. Cir. 1987); In re Marshall; 198 U.S.P.Q. 344 (CCPA 1978); In re Kalm, 154 U.S.P.Q. 10 (CCPA 1967). To establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See, MPEP 2143.

Applicant respectfully traverses the 35 USC 102 rejection and submits that the reference neither discloses the combination of elements found in applicants claimed invention. Applicants invention is a combination of elements that increase the structural capacity and ability to withstand storm loads for existing and lighter weight jackup structures. The cited reference, Kawagoe '526 actually teaches away from applicants' invention in at least two respects. The Kawagoe reference clearly is directed to problems of "punch through" and heavier jackup rigs. Column 1 lines 45-49. The reference also merely discloses positioning anchor lines, and not pretensioned "taut" mooring lines as claimed by applicant. As set out in column 2 lines 16-30, the cables 38 disclosed by Kawagoe, and used on a floating structure, are variously pulled, held or slackened, not all pretensioned to preload the jackup structure. Applicant claims radially spaced "taut" lines, used to preload the legs of a fixed, not floating structure. The taut lines are a critical element of the structure of applicants' invention. This is a difference of kind and not merely of degree

Although other distinctions may be made, it is clear that none of the references of record, either alone or in combination claim, teach or suggest the combination of elements claimed. The pretensioned taut lines are not found in the Kawagoe reference.

Applicant urges that a prior art reference must contain all the elements of the claimed invention to "anticipate" the claimed invention. Lewmar Marine Inc. v. Barient Inc., 3 U.S.P.Q. 2d 1766 (Fed. Cir. 1987); In re Marshall; 198 U.S.P.Q. 344 (CCPA 1978); In re Kalm, 154 U.S.P.Q. 10 (CCPA 1967). Applicant respectfully submits that the rejection of the claims under 35 USC 102 is improper, particularly in view of remarks made herein, and should be withdrawn.

REMARKS: Rejections Under 35 USC § 103

Claims 4, 5, 14, 15, 19 and 20 were rejected as being unpatentable over Kawagoe in view of Petty '131. Claims 14 and 15 were rejected as a matter of obvious design choice, with respect to the substitution of Kevlar. Claims 19 and 20 were regarded as obvious design choice regarding the angle of the mooring line. Claim 7 is rejected as being unpatentable over Kawagoe in view of Westra '671, the Examiner asserts that it would be obvious to provide a suction anchor as taught by Westra to facilitate anchoring of an offshore structure. Claims 12 and 17 were rejected over Kawagoe alone, as obvious matters of design choice. Claims 9 and 10 were rejected over Kawagoe in view of Petty and further in view of Westra.

It is respectfully requested that the Examiner reconsider all obviousness rejections given the Federal Circuit's rulings on the issue. First there must be some prior art teaching which would have provided the necessary incentive or motivation for modifying the primary reference in the manner suggested by the Examiner In re Laskowski, 12 U.S.P.Q. 2d 1397, 1399 (Fed. Cir. 1989). Second "obvious to try is not the standard under 35 USC 103. In re Fine, 5 U.S.P.Q. 2d 1596, 1599 (Fed. Cir. 1988). Further, as more recently stated by the Court in In re Fritch, 23, U.S.P.Q. 2d 1780, 1783-1784 (Fed. Cir. 1992): The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggests the desirability of the modification.

Applicants respectfully traverse all obviousness rejections made. None of the references either alone or in combination neither discloses or suggests the claimed invention. The references cited are apples compared to an orange. None of the references suggests utilizing a pretensioned taut line to preload the stationary legs of a jackup structure.

Many of the references are related to anchor lines for floating structures, a different concept entirely from the claimed invention. The jackup, when supported on its legs undergoes much less movement as a structure than floating, submersible, or semisubmersible structures. For these structures the guy lines are used only for positioning, to minimize drift. Applicants' invention is directed to increasing the storm loading capabilities of existing or relatively lighter weight offshore jackup structures.

The tension required in applicants' claimed invention is an integral part of the structural design. The elasticity of the guy members is a part of the design and analysis and a critical feature of the structure. With applicants' invention any slack would negate the design and structural enhancement, which is achieved by careful analysis and the application of preloading or prestressing to the structure through taut mooring lines. This particular feature is not found or suggested in any of the references cited. Only an impermissible consideration of Applicants' disclosure and application of hindsight to the prior art references would lead one of skill in the art to arrive at Applicants' invention. The references cited fail to provide the necessary incentive or motivation which would produce the invention as claimed. Thus, Applicant respectfully submits that the rejections under 35 USC 103 are improper and should be withdrawn.

CONCLUSION

Applicant has petitioned and paid the fee for a three month extension of time within which to file this response. If it is determined that any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 23-2426 (Order No. 21964-P002US).

In view of remarks herein, the present invention is in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance is earnestly solicited. Additionally if the Examiner believes that there are any issues still pending which present an impediment to allowance, it is respectfully requested that the

undersigned be contacted by telephone to conduct a telephone interview. If it is determined that any fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 23-2426 (Order No. 21964-P002US).

Respectfully submitted,
WINSTEAD, SECHREST & MINICK P.C.



Robert C. Shaddox, Esq.
Registration No. 34,011

2400 Bank One Center
910 Travis
Houston, TX 77002

HOUSTON_1\518777\1
09/27/2001 - 21964-P002US